

ZW AF

Atty. Dkt. No. 086142-0521

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shoichi SAWA et al.

Title: INFLATOR

Appl. No.: 10/064,064

Filing Date: 06/06/2002

Examiner: K. Smith

Art Unit: 3644

REPLY BRIEF TRANSMITTAL

Mail Stop APPEAL BRIEF-PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith, in the above-identified application is a:

☒ Reply Brief (5 pages);

☒ The fee required for additional claims is calculated below:

| | Claims As Amended | | Previously Paid For | | Extra Claims Present | | Rate | | Additional Claims Fee |
|--|-------------------------|---|------------------------|---|----------------------------|---|----------|---|--------------------------|
| Total Claims: | 20 | - | 20 | = | 0 | x | \$50.00 | = | \$0.00 |
| Independent Claims: | 8 | - | 8 | = | 0 | x | \$200.00 | = | \$0.00 |
| First presentation of any Multiple Dependent Claims: | | | | | | + | \$360.00 | = | \$0.00 |
| CLAIMS FEE TOTAL | | | | | | | | | = \$0.00 |

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

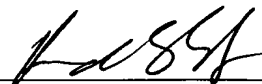
| | | | |
|--------------------------|---|------------|--------|
| <input type="checkbox"/> | Extension for response filed within the first month: | \$120.00 | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the second month: | \$450.00 | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the third month: | \$1,020.00 | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the fourth month: | \$1,590.00 | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the fifth month: | \$2,160.00 | \$0.00 |
| | EXTENSION FEE TOTAL: | | \$0.00 |
| <input type="checkbox"/> | Statutory Disclaimer Fee under 37 C.F.R. 1.20(d): | \$130.00 | \$0.00 |
| | CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL: | | \$0.00 |
| <input type="checkbox"/> | Small Entity Fees Apply (subtract ½ of above): | | \$0.00 |
| | TOTAL FEE: | | \$0.00 |

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

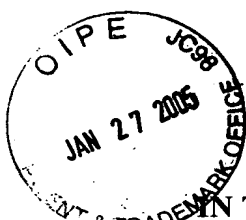
Respectfully submitted,

Date 1/27/05

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5582
Facsimile: (202) 672-5399

Howard N. Shipley
Attorney for Applicant
Registration No. 39,370



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Shoichi SAWA et al.

Title: INFLATOR

Appl. No.: 10/064,064

Filing Date: 06/06/2002

Examiner: K. Smith

Art Unit: 3644

REPLY BRIEF

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir,

This communication is in response to the Examiner's Answer dated November 30, 2004, concerning the above referenced patent application.

Consideration of the following remarks is respectfully requested.

Claims 1 and 10

Claims 1 and 10 call for the projection to be configured "to move axially within the other of the receiving member or bottle prior to mating with the groove." The Examiner argues that Brown, as modified by White, teaches a projection that is "configured to move axially within the receiving member prior to mating with the groove". (See Examiner's Answer at page 3). White teaches that bayonet slots 6 on element 1 receive lugs 11. (See White at column 1, lines 43-46). Figure 1 illustrates that the bayonet slots 6 have openings at the right edge of the coupling element 1 for receiving the lugs and there is no other opening or position for the lugs 11 to be received within coupling element 1. Therefore, axial movement of the lugs 11 only occurs after the lugs 11 are inside and mated with the bayonet slots 6. Thus, Brown and White do not teach all of the limitations recited by claims 1 and 10 and the rejection should be withdrawn.

Claims 1, 10, and 20

Claims 1, 10, and 20 cite a projection that extends only partially around the periphery of the receiving member or bottle. In the Examiner's Answer, the Examiner acknowledges that Brown does not disclose "projections extending only partially around the periphery of the bottle" but argues that White teaches a coupling mechanism "(inherently having a projection extending only partially around the periphery of the bottle) for the purpose of a quick connection between two components and preventing leakage due to pressure of a fluid flowing there through." (See Examiner's Answer at page 3). The Examiner notes that White teaches locking lugs 11 and the Examiner contends that these lugs correspond to the claimed projections of the current invention. (See Examiner's Answer at page 4).

The Examiner contends that the three locking lugs in Figure 6 of White (See Examiner's Answer at page 4) provide "a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teaching." (See Examiner's Answer at page 4). Essentially, the Examiner contends that Figure 6 illustrates how these lugs "inherently" extend only partially around the periphery of the connection. The Examiner does not give any explanation of how Figure 6 shows any fact to support a determination that any of the lugs extend only partially in a peripheral direction. Nor does the Examiner give a technical reasoning of how Figure 6 supports such a determination. The Examiner does not explain how the lugs taught by White have the inherent property of extending in a peripheral direction or how one of ordinary skill in the art would understand that the lugs extend in a peripheral direction.

By noting the existence of three lugs in Figure 6 the Examiner has not shown how the lugs taught by White have an inherent property of extending only partially in a peripheral direction. The Examiner has demonstrated that there are plural lugs but not that the lugs extend only partially in a peripheral direction. There is no teaching or suggestion in the disclosure of White to support a determination that the lugs extend only partially around the periphery of the coupling element 2 of White, as cited in claims 1, 10, and 20.

In a further argument for inherency, the Examiner notes the Applicant's statement that "White discloses discrete locking lugs 11." (See Examiner's Answer at page 4). The Examiner notes that the definition of "discrete" in *Merriam-Webster's Collegiate Dictionary* is "consisting of distinct or unconnected elements, noncontinuous." However, this definition does not lend support to the proposition that the lugs extend only partially around the periphery of the connection.

The lugs disclosed by White differ from the claimed projections. The lugs disclosed by White are discrete and do not extend around the periphery of the coupling element. These lugs are configured to engage with a narrow bayonet slot on another coupling element and do not extend in the peripheral direction.

Withdrawal of the rejection of claims 1, 10, and 20 is respectfully requested.

Claims 2, 11, and 17

The Examiner contends that Brown as modified discloses a groove for mating with a projection and a guide groove. (See Examiner's Answer at pages 3-4). Claim 2 calls for both "a groove" that mates with a projection and "a guide groove for receiving the projection of the one of the receiving member and the bottle when the receiving member and the bottle are being coupled together." White only discloses a bayonet slot 6 for receiving a lug 11. (See White at column 1, lines 43-46). White does not teach both a groove and a guide groove. Therefore, Brown and White do not teach all of the features cited by claim 2.

The Examiner also argues that Brown as modified discloses a groove for mating with a projection and a key groove. (See Examiner's Answer at pages 3-4). Claim 11 cites "an engaged projection and groove" and "a key positioned in a key groove". As noted previously, White only teaches a bayonet slot 6 for receiving a lug 11. (See White at column 1, lines 43-46). White does not teach both a groove for receiving a projection and a key groove for positioning a key within. Nor does White teach both a projection and a key positioned in a key groove. Therefore, Brown and White do not teach all of the features cited by claim 11.

Furthermore, the bayonet slot relied upon by the Examiner is neither a "groove" nor a "key groove". Claim 2 cites "a guide groove for receiving the projection" and claims 11 and 17 cite a "key groove". The bayonet slot 6 of White is different from the claimed groove because a groove is a long, narrow channel or depression while a slot is a long, narrow aperture. (See Appeal Brief at pages 4-5). The Examiner argues that the bayonet slot 6 taught by White reads upon these claimed grooves. (See Examiner's Answer at pages 4-5). The Examiner contends that the slot of White is "a channel that directs or guides an object (i.e. the projections) along a desired course; it meets the general definition of a 'groove'". (See Examiner's Answer at pages 4-5). The Examiner is incorrect because the claimed "guide groove" does not encompass the slot of White.

The term “guide groove” is used consistently throughout the specification and claims of the present application and does not include an aperture or slot. As explained in paragraphs [0035] and [0036] the guide grooves 49 have depths and bottoms. As shown in Figure 1, guide grooves 49 are only indentations or depressions on the surface of the diffuser 7. The guide grooves do not pass completely through the diffuser to form apertures.

Furthermore, with regard to the claimed “key groove”, paragraphs [0033] and [0036] and Figure 1 of the application disclose that the key grooves 47, 51 are indentations or depressions on the surface of the bottle 3 and the diffuser 7. The key grooves do not pass completely through the diffuser or bottle to form apertures.

The slots taught by White are long, narrow apertures that extend completely through the surface of the coupling element 1. The slots taught by White do not have a bottom and do not form depressions or channels because the slots pass completely through the coupling element. Thus, these slots are not “grooves”.

Withdrawal of the rejection of claims 2, 11, and 17 is respectfully requested.

Claim 4

Claim 4 cites that “each of the receiving member and the bottle include a key groove.” In the Examiner’s Answer, the Examiner does not argue that the prior art teaches that both connecting elements have a key groove. The Examiner’s failure to argue this point is understandable, because White only teaches using a bayonet slot 6 located in male coupling element 1. White does not teach using a slot in the corresponding coupling element 2. (See White at column 1, lines 43-46).

Claim 4 also calls for “a projection extending partially around the periphery of the receiving member of the bottle.” As explained above with regard to claims 1, 10, and 20, there is no teaching or suggestion in Brown or White of “a projection extending partially around the periphery of the receiving member or the bottle.”

Claim 4 also calls for a “key groove”. Furthermore, as explained above with regard to claims 2, 11, and 17, there is no teaching or suggestion in Brown or White of a “key groove”.

Claim 4 calls for both a groove for a projection and a key groove. White only teaches a bayonet slot 6 for receiving a lug 11. (See White at column 1, lines 43-46). White does not teach both a groove for receiving a projection and a key groove. Therefore, Brown and White do not teach all of the features cited by claim 4.

Withdrawal of the rejection of claim 4 is respectfully requested.

Conclusion

Each of claims 3, 5, 12-16, 18, and 19 depend from one of the independent claims discussed above. Therefore, withdrawal of the rejection of claims 3 and 12-16 is respectfully requested for at least the reasons explained above.

In view of the foregoing, it is respectfully submitted that the rejections of record should be reversed.

Respectfully submitted,

Date 1/27/05

By Howard Shipley

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Howard Shipley
Attorney for Applicant
Registration No. 39,370